

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE:

NISSAN NORTH AMERICA, INC.
ODOMETER LITIGATION (NO. II)

RECEIVED

MIDDLE DISTRICT DOCKET NO. 1921

MAR 06 2008

Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

**PLAINTIFF THOMAS L. HARKEN'S INTERESTED PARTY RESPONSE
IN SUPPORT OF DEFENDANT'S MOTION FOR TRANSFER OF
RELATED ACTIONS TO THE MIDDLE DISTRICT OF TENNESSEE**

Thomas L. Harken ("Harken") is the plaintiff in Case No. 3:08-CV-00097; *Thomas L. Harken v. Nissan North America, Inc.*; in the United States District Court for the Middle District of Tennessee (Judge Trauger). On February 13, 2008, the Defendant identified the *Harken* case as a tag-along action by filing a notice with the Panel.

Harken, through his undersigned counsel, respectfully files this Interested Party Response in support of Defendant Nissan North America, Inc.'s ("Nissan") 28 U.S.C. § 1407 Motion for Transfer and Consolidation¹ of all Nissan North America Odometer Litigation cases (collectively, the "Odometer cases") to and in the Middle District of Tennessee.

Harken respectfully urges the Panel to transfer the Odometer cases to the Middle District of Tennessee for all of the reasons set forth in Nissan's motion, including:

- (1) These actions involve substantially similar questions of fact and law such that coordination will prevent duplicative discovery, minimize inconvenience for all parties involved, and promote the just and efficient conduct of the litigation.
- (2) The Middle District of Tennessee is home to an experienced and efficient bench well equipped to oversee the coordination of the Odometer cases.

¹ Motion of Nissan North America, Inc. for Transfer and Consolidation of Related Actions (filed Dec. 11, 2007).

- (3) The Middle District of Tennessee is a convenient locale for all parties, providing easily accessible airports, lodging options and public transportation.
- (4) The Middle District of Tennessee has a docket well suited to handle this proposed Multi-District Litigation and provides a central location for all of the Parties and their counsel.

Defendant Nissan's headquarters and principal place of business is located in Nashville, Tennessee within the Middle District of Tennessee. Defendant Nissan also manufactures certain Nissan and Infiniti vehicles at plants located in Tennessee and Mississippi. The convenience of all Parties will be best ensured if these cases are transferred and coordinated in the Middle District of Tennessee, the District that can resolve these cases expeditiously and best manage this complex multi-district litigation.²

CONCLUSION

For the foregoing reasons and the reasons set forth in Defendant Nissan's Motion, Plaintiff Harken respectfully requests transfer of the Odometer cases to the United States District Court for the Middle District of Tennessee (Judge Trauger) for coordinated pre-trial proceedings.

DATED: March 3, 2008

Respectfully Submitted,

By:



Richard L. Coffman, Esq.
Texas Bar No. 04497460
THE COFFMAN LAW FIRM
505 Orleans St., Ste. 505
Beaumont, TX 77701
(409) 833-7700
(866) 835-8250 FAX

² Plaintiff Harken further incorporates, by reference, the well articulated reasoning found in Defendant Nissan's Motion and Memorandum in Support of its Motion.

John Day, Esq.
Tennessee Bar No. 9416
Brandon E. Bass, Esq.
Tennessee Bar No. 22014
Day & BLAIR, P.C.
5300 Maryland Way Ste 300
Brentwood, TN 37027-5074
(615) 742-4880
(615) 742-4881 FAX

Mitchell A. Toups, Esq.
Texas Bar No. 20151600
WELLER, GREEN, TOUPS
& TERRELL, L.L.P.
P.O. Box 350
Beaumont, TX 77704-0350
(409) 838-0101
(409) 832-8577 fax